

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

CARY L. ROSS,

Plaintiff,

VS.

WILLIAM DANFORTH, et. al.

Defendants.

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NO. 7:11-CV-0094-HL

ORDER

Plaintiff **CAREY L. ROSS**, a prisoner currently confined at the Valdosta State Prison, has filed a Motion to Proceed *in forma pauperis* on Appeal (ECF No. 43) from this Court's September 5, 2012, Order (ECF No. 40) dismissing his civil rights action for lack of exhaustion. In the Court's best judgment, an appeal from that Order cannot be taken in good faith. Plaintiff's Motion to Proceed *in forma pauperis* on Appeal is accordingly **DENIED**. See 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3) ("A party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal in forma pauperis . . . unless . . . the district court . . . certifies that the appeal is not taken in good faith.").

If Plaintiff wishes to proceed with his appeal, he must pay the entire \$ 455.00 appellate filing fee. Because Plaintiff has stated that he cannot pay the \$ 455.00 immediately, he must pay using the partial payment plan described under 28 U.S.C. § 1915(b). Pursuant to § 1915(b), the prison account custodian where Plaintiff is incarcerated shall cause to be remitted to the Clerk of this Court monthly payments of 20% of the preceding month's income credited to Plaintiff's account until the \$ 455.00 appellate filing fee has been paid in full. Twenty percent of any deposits into the prisoner's account shall be withheld by the prison account custodian who, on a monthly basis, shall forward

the amount withheld from the prisoner's account to the Clerk of this Court each time the amount in the account exceeds \$ 10.00 until the total filing fee of \$ 455.00 has been paid. For this reason, the Clerk of Court is **DIRECTED** to mail a copy of this Order to the custodian of the prison in which Plaintiff is incarcerated. Checks should be made payable to "Clerk, U.S. District Court."

SO ORDERED, this 24th day of September, 2012.

s/ Hugh Lawson
HUGH LAWSON, Judge
UNITED STATES DISTRICT COURT

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